

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )

All Cases )  
)

---

**Notice of Stipulation of Extension of Time for SSC Defendants to File Combined:**

**(1) Response to**

***PSC'S CROSS MOTION TO EXTEND TIME TO FILE***

***CERTIFICATES OF GOOD FAITH [Doc. 3121]***

**and**

**(2) Reply in Support of**

***SSC DEFENDANTS' FED. R. CIV. P. 12(b)(6) MOTION TO DISMISS [Doc. 3086]***

---

Specialty Surgery Center, PLLC; Kenneth Lister, MD, PC; and Kenneth R. Lister, MD (collectively "SSC Defendants") hereby give notice to this honorable Court and all parties that, consistent with MDL Order No. 11 [Dkt. 1524], the SSC Defendants and the PSC (two of the "Impacted Parties" with regard to these motions) have agreed the SSC Defendants shall have through October 21, 2016, to file a combined brief (1) responding to the *PSC's Cross Motion to Extend Time to File Certificates of Good Faith* [Doc. 3121], filed October 7, 2016, and (2) replying to the PSC's Response in Opposition to the SSC Defendants' Motion to Dismiss [Doc. 3122], also filed October 7, 2016.

MDL Order No. 11 permits replies in support of dispositive motions. The SSC Defendants intend to combine their reply in support of their motion to dismiss, with their opposition to the *PSC's Cross Motion to Extend Time to File Certificates of Good Faith*.

The SSC Defendants' opposition to the PSC's cross motion is due October 21, 2016. MDL Order No. 11, however, does not specify a deadline for filing reply briefs in support of dispositive motions. Out of an abundance of caution, the SSC Defendants reached an agreement with the PSC to submit a combined brief addressing both motions by October 21, 2016 (the deadline for the opposition to the PSC's cross motion).

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

**C.J. Gideon, Jr.\***

**Chris J. Tardio\***

**Alan S. Bean\*\***

**Matthew H. Cline\***

315 Deaderick Street, Suite 1100

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (615) 254-0459

[chris@gideoncooper.com](mailto:chris@gideoncooper.com)

***Attorneys for the SSC Defendants***

\* Admitted pursuant to MDL Order No. 1.

\*\* Admitted *pro hac vice*.

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 14<sup>th</sup> day of October, 2016.

/s/ Chris J. Tardio

**Chris J. Tardio**